

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES G. HUFFMAN

*

Plaintiff,

*

v.

*

2:06-CV-748-MEF

SOUTHERN HEALTH SERVICES, *et al.*,

*

Defendants.

*

ORDER ON MOTION

Upon consideration of Plaintiff's Motion for Leave to File a Motion to Amend Complaint, and for good cause, it is

ORDERED that the motion (Doc. No. 9) is GRANTED.

Upon consideration of the Motion to Amend, and for good cause, it is

ORDERED that the motion is GRANTED in part and DENIED in part. Plaintiff's motion to amend complaint to name "Commissioner" as a defendant is denied as this individual is not sufficiently identified. Plaintiff's motion to amend to assert additional factual allegations in support of the complaint is granted.

Accordingly, it is further ORDERED that:

1. Defendants undertake a review of the subject matter of the complaint, as amended, (a) to ascertain the facts and circumstances; (b) to consider whether any action

should be taken by prison officials to resolve the subject matter of the complaint and amended complaint; and (c) to determine whether other similar complaints, whether pending in this court or elsewhere, should be considered together;

2. An **answer and written** report to the complaint and amended complaint shall be filed with the court and a copy served upon Plaintiff within forty (40) days of the filing date of this order.¹ **The written report must contain the sworn statements of all persons having personal knowledge of the subject matter of the complaint, as amended. *In cases involving medical treatment claims, Defendant(s) shall provide an affidavit from a named defendant or other health care professional which (i) contains a detailed explanation of the treatment provided to Plaintiff, and (ii) interprets the information contained in the medical records relevant to the claims presented in the complaint. All defenses including immunity defenses must be set forth in the written report or such defenses may be waived.*** Authorization is hereby granted to interview all witnesses, including Plaintiff. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the written report. Where Plaintiff's claim or Defendants' defenses relate to or involve the application of administrative rules, regulations or guidelines, the written report shall include copies of all such applicable administrative rules, regulations or guidelines. **In addressing the claims presented by Plaintiff, Defendant shall furnish copies of all documents, records and regulations relevant to Plaintiff's claims for relief.**

¹Entry of this order extends the deadline for filing the written report to the complaint and amended complaint as directed by the court's order entered August 30, 2006.

3. No motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the amended complaint be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.

The CLERK of Court IS DIRECTED to furnish a copy of this order to Plaintiff and a copy of this order together with a copy of the amended complaint to Defendants.

Done this 29th day of September 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE